

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JOSHUA LOONEY,)
)
Plaintiff,)
)
v.) No. CIV-11-410-FHS
)
MATTHEW LOTT and DUSTIN)
COLEMAN,)
)
Defendants.)

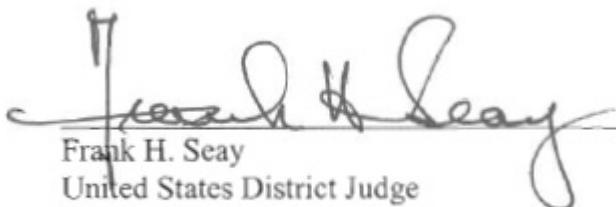
OPINION AND ORDER

Before the Court for its consideration is the Motion to Quash Subpoena (Dkt. No. 46) filed by nonparty United States of America ("United States") on August 27, 2012. In its motion, the United States seeks to quash a subpoena issued by Defendants, Matthew Lott ("Lott") and Dustin Coleman ("Coleman"), to Jennifer Chapman ("Chapman"), an agent with the Federal Bureau of Investigation ("FBI"), commanding Chapman to appear and give her deposition. Although an August 28, 2012, date had been set for Chapman's deposition, it appears that date passed without the deposition taking place in light of the objection lodged herein by the United States. Another Notice of Deposition (Dkt. No. 52) has been filed by Lott and Coleman for the deposition testimony of Chapman on October 2, 2012.

The parties have fully briefed this matter. In its reply, the United States informs the Court that after reviewing the response of Lott and Coleman, and, in particular, the affidavit of their counsel, Andy Artus ("Artus"), the United States withdraws its objection to the deposition testimony of Chapman provided her testimony is limited to the areas of inquiry set forth in the

affidavit of Artus. The United States has reviewed the Artus affidavit in light of the relevant factors set forth under 28 C.F.R. § 16.26 and has determined that Chapman is authorized to testify to those specific areas of inquiry as set forth in the Artus affidavit. Consequently, the Court finds the United States' Motion to Quash Subpoena (Dkt. No. 46) should be denied as moot. The parties are directed to proceed with the scheduled deposition of Chapman. The Court orders that the questioning of Chapman at the deposition is limited to the topics set forth in the affidavit of Artus attached as Exhibit 5 to the Response to the United States of America's Motion to Quash (Dkt. No. 50) filed by Lott and Coleman.

It is so ordered this 20th day of September, 2012.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma